NOTIFICATION.

(LAW DEPARTMENT).

No. 17 LAW LGN 63, Bangalore, dated 21st May 1966.

Ordered that the **Mysore Industrial Areas Development Act, 1966,** which received the assent of the President on the Fourteenth day of May 1966, be published Mysore Act No. 18 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 18 OF 1966.

(First published in the Mysore Gazette *on the Twenty-sixth day of May 1966.)*

THE MYSORE INDUSTRIAL AREAS DEVELOPMENT ACT, 1966.

(Received the assent of the President on the Fourteenth day of May, 1966).

An Act to make special provision for securing the establishment of industrial areas in the State of Mysore and generally to promote the establishment and orderly development of industries therein, and for that purpose to establish an Industrial Areas Development Board and for purposes connected with the matters aforesaid.

WHEREAS it is expedient to make special provision for securing the establishment of industrial areas in the State of Mysore and generally to promote the establishment and the orderly development of industries in such industrial areas, and for that purpose to establish an Industrial Areas Development Board and for purposes connected with the matters aforesaid:

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Mysore Industrial Areas Development Act, 1966.

(2) It extends to the whole of the State of Mysore.

(3) This Act except Chapter VII shall come into force at once; Chapter VII shall come into force in such area

and from such date as the State Government may, from time to time, by notification, specify in this behalf.

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(1) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerage, conservancy, and such other convenience, as the State Government may, by notification specify to be an amenity for the purposes of this Act;

(2) "Board" means the Industrial Areas Development Board established under this Act;

(3) "building" means any structure or erection or part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(4) "Deputy Commissioner" means the Deputy Commissioner of the district concerned, and includes any officer specially appointed by the State Government to perform the functions of a Deputy Commissioner under this Act;

(5) "development" with its grammatical variations means the carrying out of levelling, digging, building, engineering, quarrying or other operations in, on, over or under land, or the making of any material change in any building or land, and includes re-development; and "to develop" shall be construed accordingly;

(6) "industrial area" means any area declared to be an industrial area by the State Government by notification which is to be developed and where industries are to be accommodated; and includes, an industrial estate;

(7) "industrial estate" means any site selected by the State Government where factories and other buildings are built for use by any industries or class of industries;

(8) "notification" means a notification published in the official Gazette;

(9) "premises" means any land or building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building ; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(10) "prescribed" means prescribed by rules made under this Act ;

(11) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

CHAPTER II.

INDUSTRIAL AREAS.

3. *Declaration of industrial areas.*—(1) The State Government may, by notification, declare any area in the State to be an industrial area for the purposes of this Act.

(2) Every such notification shall define the limits of the area to which it relates.

4. *Alteration of industrial area.*—The State Government may at any time, by notification, exclude from any industrial area, any area, or include therein any additional area, as may be specified in such notification.

CHAPTER III.

ESTABLISHMENT AND CONSTITUTION OF THE BOARD

5. *Establishment and incorporation.*—(1) For the purposes of securing the establishment of industrial areas in

the State of Mysore and generally for promoting the rapid and orderly establishment and development of industries in industrial areas in the State of Mysore, there shall be established by the State Government by notification a Board by the name of the Mysore Industrial Areas Development Board.

(2) The said Board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall subject to the provisions of this Act and the rules made thereunder be competent to acquire, hold and dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

6. *Constitution.*—The Board shall consist of the following memebers, namely :—

(*a*) the Secretary to the Government of Mysore, Commerce and Industries Department who shall *ex-officio* be the Chairman of the Board ;

(*b*) the Secretary to the Government of Mysore, Finance Department ;

(*c*) the Director of Industries and Commerce ;

(*d*) the Executive Member of the Board ; and

(*e*) one member nominated by the State Government from among persons appearing to the State Government to be qualified as having had experience of, and having shown capacity in, industry or trade or finance, or who is in the opinion of the State Government capable of representing the interests of industry or commerce.

7. *Term of office and conditions of service of members.*—(1) The member nominated under clause (*e*) of section 6 shall hold office for a period of two years.

(2) The members of the Board shall be entitled to draw such compensatory allowance as may be prescribed, for the purpose of meeting the personal expenditure incurred

in attending the meetings of the Board or of any Committee thereof or when appointed in connection with the work undertaken by or for the Board.

8. *Meetings of the Board.*—(1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business as may be provided by regulations made under this Act.

9. *Vacancy of nominated member how to be filled.*—Any vacancy of a member of the Board nominated under clause (*e*) of section 6 shall be filled as early as practicable, by a person eligible for nomination under the said clause :

Provided that during any such vacancy the continuing members mav act as if no vacancy had occurred.

10. *Temporary absence of nominated member.*—If a member of the Board nominated under clause (*e*) of section 6 is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence, or is otherwise unable to attend to his duties, the State Government may nominate another person to act for him and carry out his duties and functions under this Act. Such person shall vacate office on the date when the member resumes his duties

11. *Employees of the Board.*—(1) The State Government shall appoint an officer of the State Government as the executive Member of the Board who shall be the Chief Executive Officer of the Board. His terms and conditions of office shall be such as may be determined by the State Government.

(2) The Board may appoint such employees subordinate to the Executive Member, as it considers necessary for the efficient performance of its duties and functions. The terms and conditions of service of the said employees shall be such as may be determined by regulations made under this Act.

12. *Savings of validity of proceedings.*—No act done or proceedings taken under this Act shall be questioned merely on the ground—

(*a*) of any vacancy or defect in the constitution of the Board or of any committee thereof ; or

(*b*) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

CHAPTER IV.

Functions and Powers of the Board.

13. *Functions.*—The functions of the Board shall be—

(i) generally to promote and assist in the rapid and orderly establishment, growth and development of industries in industrial areas, and

(ii) in particular, and without prejudice to the generality of clause (i), to—

(*a*) develop industrial areas declared by the State Government and make them available for undertakings to establish themselves ;

(*b*) establish, maintain, develop and manage industrial estates within industrial areas ;

(*c*) undertake such schemes or programmes of works, either jointly with other corporate bodies or institutions, or with the Government or local or statutory authorities, or on an agency basis, as it considers necessary or desirable, for the furtherance of the purposes for which the Board is established and for all purposes connected therewith.

14. *General powers of the Board.*—Subject to the provisions of the Act, the Board shall have power,—

(*a*) to acquire and hold such property, both movable and immovable as the Board may deem necessary for

the performance of any of its activities and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Board ;

(*b*) to purchase by agreement or to take on lease or under any form of tenancy any land, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions ;

(c) to provide or cause to be provided amenities and common facilities in industrial areas and construct and maintain or cause to be maintained works and buildings therefor ;

(*d*) to make available buildings on lease or sale or lease-*cum*-sale to industrialists or persons intending to start industrial undertakings ;

(*e*) to construct buildings for the housing of the employees of industries ;

(*f*) (i) to allot to suitable persons factory sheds or such buildings or parts of buildings including residential tenements in the industrial areas established or developed by the Board ;

(ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment ;

(*g*) to deligate any of its powers generally or specially to the Executive Member ;

(*h*) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions ; and

(*i*) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions, and the carrying into effect the purposes of this Act.

15. *Authentication of orders and documents of the Board.*—All permissions, orders, decisions, notices and other documents of the Board shall be authenticated by the signature of the Executive Member or any employee authorised by the Board in this behalf.

16. *Notification of any industrial area as notified area under Mysore Act 22 of* 1964.—The State Government may by notification—

(*a*) declare that the provisions of Chapter XV of the Mysore Municipalities Act, 1964, and any other provisions of that Act, shall extend to and be brought into force, in any industrial area, and thereupon such industrial area shall be deemed to be a notified area under Chapter XV of that Act ;

(*b*) appoint the Board or any officer of the Board for purposes of section 350 of that Act ;

(*c*) provide that the provisions of any other law relating to local authorities which is in force in that area shall cease to apply, and thereupon such provisions shall cease to apply thereto ;

(*d*) make such other provision as is necessary for the purposes of enforcement of Chapter XV of that Act in that industrial area.

17. *Directions by State Government.*—The State Government may issue to the Board such directions of a general nature as it may think necessary or expedient for the purpose of carrying out the purposes of this Act, and the Board shall be bound to follow and act upon such directions.

CHAPTER V.

Finance, Accounts and Audit.

18. *Application of Board's assets.*—All property, fund and other assets vesting in the Board shall be held and applied by it, subject to provisions and for the purposes of this Act,

19. *Board's fund.*—The Board shall have and maintain its own fund, to which shall be credited—

(*a*) all moneys received by the Board from the State Government by way of grants, loans, advances or otherwise ;

(*b*) all fees, costs, deposits and charges received by the Board under this Act ;

(*c*) all moneys received by the Board from the disposal of lands, buildings and other properties movable and immovable, and from other transactions ;

(*d*) all moneys received by the Board by way of rents or in any other manner or from any other source.

20. *Power of the Board to borrow.*—The Board may, subject to such conditions as may be prescribed, borrow money in the open market or otherwise with a view to providing itself with adequate resources.

21. *Deposits.*—The Board may accept deposits on such conditions as it deems fit from persons, institutions or authorities, to whom allotment or lease or sale of lands, buildings or sheds is made or is likely to be made in furtherance of the objects of this Act.

22. *Budget and programme of work.*—(1) The Board shall, by the last day of January each year prepare and submit to the State Government for approval an annual financial statement and programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) If the approval of the State Government to the annual financial statement and the programme of work has not been received before the last day of March, the Board

may proceed as if the annual financial statement and the programme of work have been approved.

(4) The Board shall be competent to make variations in the programme of work and re-appropriations in the budget in the course of the year provided that all such variations and re-appropriations out of the approved budget are submitted for approval to the State Government.

(5) The State Government may by an order extend the last date prescribed in sub-section (1) for the submission of the annual financial statement and the programme of work.

23. *Expenditure from funds.*—(1) The Board shall have the authority to spend such sums as it thinks fit for the purposes authorised under this Act from out of the Board's fund.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Board may contribute such sums as it thinks fit towards expenditure incurred or to be incurred by any local authority or statutory public undertaking in the performance, in relation to any of its industrial estates or industrial areas, of any of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land.

24. *Accounts and Audit.*—(1) The Board shall maintain books of account and other books in relation to its business and transactions in such form, and in such manner, as may be prescribed.

(2) The accounts of the Board shall be audited by an Auditor appointed by the State Government.

(3) As soon as the acounts of the Board are audited, the Board shall send to the State Government—

(*a*) a copy of the audited accounts, and

(*b*) an annual report of the working of the Board for the financial year concerned giving an account of the activities of the Board and such other particulars as may be prescribed, and

(*c*) a report of the Auditor on the audited accounts of the Board.

(4) The State Government shall cause the audited accounts of the Board together with the audit report thereon, and the annual report forwarded to it under sub-section (3) to be laid before each House of the State Legislature as soon as may be after their receipt by the State Government.

CHAPTER VI.

APPLICATION OF THE MYSORE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1961, AND NON-APPLICATION OF THE MYSORE RENT CONTROL ACT, 1961, TO BOARD PREMISES.

25. *Application of Mysore Act 3 of 1962 to Board premises.*—(1) The State Government, may by notification provide from such date as may be specified in such notification that the Mysore Public Premises (Eviction of Unauthorised Occupants) Act, 1961, shall apply to premises belonging to, vesting in, or leased by, the Board as that Act applies in relation to public premises, but subject to the provisions of sub-section (2).

(2) On a notification being issued under sub-section (1), the aforesaid Act and the rules made thereunder shall apply to the premises of the Board with the following modifications, that is to say—

(*a*) the State Government may appoint any officer whether under the Government or the Board, as it thinks fit, to be the competent officer for the purposes of the aforesaid Act;

(*b*) references to "public premises" in that Act and those rules shall be deemed to be references to premises of the Board, and references to "the State Government" in sections 6, 7, 8, 11 and 12 of that Act shall be deemed to be references to the Board.

26. *Non-application of Mysore Act 22 of 1961 to Board premises.*—The Mysore Rent Control Act, 1961,—

(a) shall not apply to any premises belonging to or vesting in the Board under or for the purposes of this Act ;

(*b*) shall not apply as against the Board to any tenancies or like relationship created by the Board in respect of any such premises ;

(*c*) but shall apply to any premises let to the Board.

CHAPTER VII.

Acquisition and Disposal of Land.

27. *Application.*—The provisions of this Chapter shall apply to such areas from such dates as have been notified by the State Government under sub-section (3) of section 1.

28. *Acquisition of land.*—(1) If at any time, in the opinion of the State Government, any land is required for the purpose of development by the Board, or for any other purpose in furtherence of the objects of this Act, the State Government may by notification, give notice of its intention to acquire such land.

(2) On publication of a notification under sub-section (1), the State Government shall serve notice upon the owner or where the owner is not the occupier, on the occupier of the land and on all such persons known or believed to be interested therein to show cause, within thirty days from the date of service of the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(4) After orders are passed under sub-section (3 , where the State Government is satisfied that any land should be acquired for the purpose specified in the notification issued under sub-section (1), a declaration shall, by notification in the official Gazette, be made to that effec :

(5) On the publication in the official Gazette of the declaration under sub-section (4), the land shall vest absolutely in the State Government free from encumbrances.

(6) Where any land is vested in the State Government under sub-section (5), the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(7) If any person refuses or fails to comply with an order made under sub-section (5), the State Government or any officer authorised by the State Government in this behalf may take possession of the land and may for that purpose use such force as may be necessary.

(8) Where the land has been acquired for the Board, the State Government, after it has taken possession of the land, may transfer the land to the Board for e purpose for which the land has been acquired.

29. *Compensation.*—(1) Where any land is acquired by the State Government under this Chapter, the State Government shall pay for such acquisition compensation in accordance with the provisions of this Act.

(2) Where the amount of compensation has been determined by agreement between the State Government and the person to be compensated, it shall be paid in accordance with such agreement.

(3) Where no such agreement can be reached, the State Government shall refer the case to the Deputy Commissioner for determination of the amount of compensation to be paid for such acquisition as also the person or persons to whom such compensation shall be paid.

(4) On receipt of a reference under sub-section (3 , the Deputy Commissioner shall serve notice on the owner or occupier of such land and on all persons known or believed to be interested herein to appear before him and state their respective interests in the said land.

30. *Application of Central Act* 1 *of* 1894.—The provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) shall *mutatis mutandis* apply in respect of the enquiry and award by the Deputy Commissioner, the reference to Court, the apportionment of compensation and the payment of compensation, in respect of lands acquired under this Chapter.

31. *Delegation of powers by the State Government.* The State Government may if it thinks fit delegate any or its powers under this Chapter to any of its officers, by rules made in this behalf.

CHAPTER VIII

Supplementary and Miscellaneous Provisions

32. *Government Lands.*—(1) For the furtherance o the objects of this Act, the State Government may, upon such conditions as may be agreed upon between the State Government and the Board, place at the disposal of the Board any lands vested in the State Government.

(2) After any such land has been developed by, o under the control and supervision of the Board, it shall be dealt by the Board in accordance with the regulations made and directions given by the State Government in this behalf.

(3) If any land placed at the disposal of the Board under sub-section (1), is required at any time thereafter by the State Government, the Board shall replace it at the disposal of the State Government upon such terms and conditions as may be mutually agreed upon.

33. *Powers of the Board in case of certain defaul by owner of land in industrial area.*—(1) If the Board after holding a local enquiry is satisfied that the owner or lessee

of any land in an industrial area has failed to provide any amenity in relation to such land which in the opinion of the Board ought to be provided or to carry out any development of the land for which permission has been obtained under this Act, the Board may serve upon the owner or lessee a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then the Board may itself provide the amenity or carry out the development or have it provided or carried out through such agency and at the expense of the owner or lessee of the land as it deems fit:

Provided that before taking any action under this sub-section, the Board shall afford a reasonable opportunity to the owner or lessee of the land to show cause as to why such action should not be taken.

34. *Penalty for construction or use of land and buildings contrary to terms of holding.*—(1) Any person who undertakes or carries out construction of or alterations to any building in an industrial area or industrial estate contrary to the terms under which he holds such building or land and under this Act shall, on conviction, be punished with fine which may extend to five thousand rupees.

(2) Any person who uses any land or building in an industrial area or industrial estate contrary to the terms under which he holds such land or building under this Act or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punished with fine which may extend to three thousand rupees.

35. *Powers of entry.*—Any officer of the State Government, any member of the Board and any person either generally or specially authorised by the Board in this behalf, may enter into or upon any land or building with or without assistants or workmen for the purpose of—

(*a*) making any inspection, survey, measurement, valuation or enquiry;

(*b*) inspecting and measuring works under construction, and

(*c*) doing any other things necessary for the efficient administration of this Act:

Provided that no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.

36. *Recovery of sums due to the Board as arrears o land revenue.*—All sums payable by any person to the Board or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable, as an arrear of land revenue on the application of the Board.

37. *Withdrawal of area or estate or part thereof.* Where the State Government is satisfied that in respect of any industrial area or any part thereof, the purpose for which the Board was established under this Act has been substantially achieved so as to render the continued existence of such area or part thereof under the Board unnecessary, the State Government may, by notification, declare that such industrial area, or part thereof, has been removed from the jurisdiction of the Board. The State Government may also make such other incidental arrangements for the administration of such area or part thereof as the circumstances necessitate.

38. *Authority for prosecution.*—Unless otherwise expressly provided, no court shall take cognizance of any offence relating to property belonging to, or vested by or under this Act in the Board, punishable under this Act, except on the complaint of, or upon information received from, the Board or some person authorised by the Board by general or special order in this behalf.

39. *Penalty for obstruction.*—Any person who obstructs the entry of a person authorised under stction 35 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exer e

him of any power conferred by or under this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

40. *Power to make rules.*—(1) The State Government, after previous publication, may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregong power, such rules may provide for all or any of the following matters, namely :—

(*a*) the compensatory allowance of members of the Board under section 7 ;

(*b*) the conditions subject to which the Board may borrow under section 20 ;

(*c*) the form and manner of preparing the annual financial statement and the annual programme of work under section 22 ;

(*d*) the manner and form of maintaining accounts and the form and manner of annual report under section 24 ;

(*e*) the delegation of powers of Government under section 31 ;

(*f*) the fees which may be charged by the Board ;

(*g*) any other matter which has to be or may be prescribed by rules.

41. *Power to make regulations.*—(1) The Board, may, with the previous approval of the State Government, by notification make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for,—

(*a*) the time and place of meeting of the Board and the procedure to be followed in regard to the transaction of business at such meetings under section 8 ;

(*b*) the terms and conditions under which the Board may dispose of land ;

(*c*) any other matter which has to be, or may be, provided by regulations.

42. *Rules and regulations to be laid before State Legislature.*—Every rule and every regulation made under this Act, shall be laid as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in any such rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule or regulation.

43. *Exemption of stamp duty and fees.*—No award or agreement or contract made or executed under this Act, or under any rule or regulation made thereunder shall be chargeable with duty under the Mysore Stamp Act, 1957, or fees under the Indian Registration Act, 1908.

44. *Offences by companies.*—(1) Where an offence under this Act is committed by a company, the company, as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary

or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(*a*) "company" means a body corporate, and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm, means a partner in the firm.

45. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any officer of the State Government or of the Board for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

46. *Employees of Board to be public servants.*—All members and employees of the Board shall when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

47. *Effect of provisions inconsistent with other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

48. *Power to remove doubts and difficulties.*—If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provision or give such direction not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty, and every such notification shall have effect as if enacted in this Act.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.